

Committee Agenda

Committee: House Appropriations
Room: LCR1
Date: Monday, March 1, 2010
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 50](#) **authorize allocation and reallocation of volume, issuance authority, and other benefits in order to facilitate the issuance of bonds and compliance with certain federal requirements and to declare an emergency.**
The Committee on Appropriations at the request of the Bureau of Finance and Management

[SB 64](#) **make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes, to authorize the construction and establish the state cost share for the Southern Black Hills Water System, and to declare an emergency.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 122](#) **repeal certain procedures required when actual state revenues fall below legislatively adopted estimates.**
Senators Ahlers, Abdallah, Bartling, Gant, Heidepriem, and Vehle and Representatives Hunhoff (Bernie), Brunner, Burg, Dennert, Hoffman, Peters, Putnam, and Wink

[SB 177](#)* **revise certain provisions regarding the appropriation process.**
Senators Haverly and Hunhoff (Jean) and Representatives Tidemann and Putnam

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

LARRY TIDEMANN, Chair

85th Legislative Session – 2010

Committee: House Commerce

Monday, March 01, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Conzet
P Fargen
P Greenfield
P Jensen
P Kirschman
P Krebs
P Novstrup (David)
P Nygaard
P Pitts
P Solberg
P Solum, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Rounds.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 24, 2010

Moved by: Solum
Second by: Blake
Action: Prevailed by voice vote.

SB 190: revise certain provisions regarding the opt-out rights of credit card customers.

Proponents: Jeremiah D. Murphy, Citibank
Curt Everson, SD Bankers Association

MOTION: DO PASS SB 190

Moved by: Krebs
Second by: Solum
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solberg, Solum, Rounds

MOTION: PLACE SB 190 ON CONSENT CALENDAR

Moved by: Nygaard
Second by: Greenfield
Action: Prevailed by voice vote.

SB 136: allow municipalities to maintain the same number of on-sale alcoholic beverage licenses when certain on-sale alcoholic beverage licenses are not reissued.

Presented by: Senator Cooper Garnos
Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS SB 136

Moved by: Krebs
Second by: Greenfield
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solberg, Solum, Rounds

MOTION: PLACE SB 136 ON CONSENT CALENDAR

Moved by: Jensen
Second by: Blake
Action: Failed by voice vote.

Chair passed gavel to Vice Chair.

SB 2: revise certain provisions regarding alcoholic beverage control and licensing laws.

Presented by: Representative Tim Rounds

THE CHAIR DEFERRED SB2 UNTIL LATER ON THE AGENDA

Vice Chair passed gavel to Chair.

SB 186: change the unemployment insurance wage base and contribution rates and to declare an emergency.

Presented by: Representative Deb Peters

Proponents: Shawn Lyons, SD Retailers Association
Pam Roberts, Secretary, Department of Labor
Lindsey Riter-Rapp, National Federation of Independent Business
Bob O'Connell, Sioux Falls Area Chamber of Commerce
Myron Rau, SD Auto Dealer's Association
Julie Johnson, Absolutely Aberdeen
David Owen, SD Chamber of Commerce & Industry
Paul Aylward, Dakotas Public Employees Union, SD AFSCME 59

MOTION: DO PASS SB 186

Moved by: Krebs

Second by: Greenfield

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

SB 4: revise certain rule-making authority regarding the sale of certain alcoholic beverage container sizes to on-sale licensees.

Presented by: Senator Ryan Maher

MOTION: DO PASS SB 4

Moved by: Greenfield

Second by: Krebs

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

Excused: Fargen

MOTION: PLACE SB 4 ON CONSENT CALENDAR

Moved by: Jensen

Second by: Greenfield

Action: Failed by voice vote.

Chair passed gavel to Vice Chair.

SB 2: revise certain provisions regarding alcoholic beverage control and licensing laws.

Presented by: Senator Thomas Nelson

Proponents: Matt Fonder, Department of Revenue & Regulation

MOTION: DO PASS SB 2

Moved by: Pitts

Action: Was not acted on.

MOTION: AMEND SB 2

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On page 8, line 13, of the printed bill, after "year " insert "if the license is approved by the secretary".

On page 15, delete lines 5 to 21, inclusive.

On page 17, line 20, overstrike "~~pursuant to § 35-4-11.4~~".

On page 19, delete lines 16 to 18, inclusive, and insert "No criminal penalty may be imposed on a licensee licensed pursuant to this title if:".

On page 20, line 5, delete "43 to 45" and insert "41 to 43".

On page 20, line 9, delete "43 to 45" and insert "41 to 43".

On page 20, delete lines 15 to 19, inclusive.

Moved by: Pitts

Second by: Rounds
Action: Prevailed by voice vote.

MOTION: DO PASS SB 2 AS AMENDED

Moved by: Pitts
Second by: Nygaard
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

Excused: Fargen

MOTION: PLACE SB 2 ON CONSENT CALENDAR

Moved by: Jensen
Second by: Rounds
Action: Failed by voice vote.

Vice Chair passed gavel to Chair.

SB 188: revise certain provisions relating to the sale and display of alcoholic beverages in certain establishments.

Presented by: Senator Thomas Nelson
Proponents: Larry Nelson, Hy-Vee, Inc.
Jim Hood, Lewis Stores
Shawn Lyons, SD Retailers Association
Opponents: Dave Birger, Self, Sioux Falls
Robert Wentz, Self, Sioux Falls

MOTION: DO PASS SB 188

Moved by: Rounds
Second by: Greenfield
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 188 TO THE 41ST LEGISLATIVE DAY

Moved by: Pitts
Second by: Blake

Action: Was not acted on.

MOTION: CALL THE QUESTION

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by voice vote.

MOTION: SUBSTITUTE MOTION DEFER SB 188 TO THE 41ST LEGISLATIVE DAY

Moved by: Pitts

Second by: Blake

Action: Failed by roll call vote. (4-7-2-0)

Voting Yes: Blake, Kirschman, Pitts, Solberg

Voting No: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Solum, Rounds

Excused: Fargen, Nygaard

THE MOTION TO DO PASS SB 188

Moved by: Rounds

Second by: Greenfield

Action: WAS NOT ACTED ON.

MOTION: CALL THE QUESTION

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by voice vote.

MOTION: DO PASS SB 188

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by roll call vote. (7-4-2-0)

Voting Yes: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Solum, Rounds

Voting No: Blake, Kirschman, Pitts, Solberg

Excused: Fargen, Nygaard

MOTION: ADJOURN

Moved by: Solum

Second by: Greenfield

Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Tim Rounds, Chair

Committee Agenda

Committee: House Education
Room: 413
Date: Monday, March 1, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 124](#)* **equate, within certain limits, the annual percentage increase in per student funding for general education and for special education to the projected change in state general fund revenue, and to require the Legislature to estimate general fund revenues for the current fiscal year and the next fiscal year.**

Senators Knudson, Adelstein, Bartling, Brown, Dempster, Garnos, Gray, Hansen (Tom), Hanson (Gary), Heidepriem, Jerstad, Kloucek, Miles, Nelson, Nesselhuf, Olson (Russell), Peterson, Tieszen, and Vehle and Representatives Cutler, Curd, Elliott, Frerichs, Hunhoff (Bernie), Kirkeby, Lederman, Lucas, Lust, McLaughlin, Rausch, Rave, Schlekeway, Sorenson, Thompson, and Turbiville

[SB 105](#)* **provide a statutory reference for the code of ethics for certified teachers and administrators.**

Senators Garnos, Kloucek, and Maher and Representatives Van Gerpen, Juhnke, and Sorenson

[SB 191](#)* **establish the South Dakota Early Learning Council, and to establish community planning processes and eligibility criteria for entities seeking state funding to provide voluntary prekindergarten programs to children from low-income families.**

Senators Dempster, Abdallah, Adelstein, Ahlers, Bartling, Bradford, Garnos, Gillespie, Hanson (Gary), Heidepriem, Hundstad, Jerstad, Knudson, Merchant, Miles, Nelson, Nesselhuf, Peterson, Turbak Berry, and Vehle and Representatives Krebs, Blake, Cutler, Elliott, Engels, Faehn, Fargen, Feinstein, Gibson, Hunhoff (Bernie), Killer, Lederman, Lucas, McLaughlin, Rave, Romkema, Sorenson, Street, Thompson, Tidemann, Turbiville, and Vanderlinde

Committee Agenda

Committee: House Judiciary
Room: 413
Date: Monday, March 1, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 7](#) **permit certain sex offenders who are homeless or on parole to reside in certain halfway homes or homeless shelters within community safety zones.**

Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly at the request of the Interim Sex Offender Registry Committee

[SB 8](#) **establish the application of certain statutes relating to the sex offender registry with regard to out-of-state offenders residing in the state of South Dakota.**

Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly at the request of the Interim Sex Offender Registry Committee

[SB 10](#) **reduce the grace period for certain sex offender registry registrations.**

Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly at the request of the Interim Sex Offender Registry Committee

[SB 11](#) **define solicitation of or conspiracy to commit certain crimes as registerable sex offenses.**

Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly at the request of the Interim Sex Offender Registry Committee

[SB 12*](#) **provide for a tiered sex offender registry and to establish certain criteria for eligibility to petition for removal or reassignment.**

Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly at the request of the Interim Sex Offender Registry Committee

[SB 110](#) **provide for the posting of a bond by parolees under certain circumstances.**

Senators Olson (Russell), Adelstein, Ahlers, Dempster, Garnos, Miles, Rhoden, and Vehle and Representatives Gosch, Boomgarden, Cronin, Curd, Cutler, Engels, Faehn, Frerichs, Gibson, Hoffman, Kirkeby, Pitts, Rausch, Sorenson, Steele, and Turbiville

[SB 132*](#) **permit the utilization of certain DNA samples to determine parentage under certain conditions.**

Senators Nelson, Adelstein, Bradford, Heidepriem, Jerstad, Rhoden, and Tieszen and Representatives Romkema, Hoffman, Kirkeby, Kopp, McLaughlin, Moser, Olson (Betty), Rounds, Solum, Turbiville, and Verchio

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

JONI M. CUTLER, Chair

Committee Agenda

Committee: House State Affairs
Room: 414
Date: Monday, March 1, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 126](#) **permit flexible staffing for local government public safety answering points.**
Senators Gillespie, Brown, Gant, Hundstad, and Maher and Representatives Bolin, Cronin, Elliott, Feickert, Hunhoff (Bernie), Lederman, and Olson (Betty)

[SB 89](#) **exempt from federal regulation any firearm, firearm accessory, or ammunition manufactured and retained in South Dakota.**
Senators Rhoden, Abdallah, Adelstein, Bartling, Bradford, Brown, Fryslie, Gant, Garnos, Gray, Hansen (Tom), Hanson (Gary), Haverly, Howie, Hunhoff (Jean), Kloucek, Maher, Miles, Nelson, Novstrup (Al), Olson (Russell), Peterson, and Schmidt and Representatives Noem, Bolin, Brunner, Carson, Cronin, Curd, Deadrick, Dennert, Faehn, Fargen, Feickert, Frerichs, Greenfield, Hamiel, Hoffman, Hunhoff (Bernie), Hunt, Jensen, Juhnke, Kirkeby, Kopp, Krebs, Lederman, Moser, Novstrup (David), Olson (Betty), Peters, Putnam, Rausch, Rave, Romkema, Rounds, Russell, Schlekeway, Schrempp, Sly, Solum, Steele, Tidemann, Turbiville, Van Gerpen, Vanneman, Verchio, and Wink

[SB 58*](#) **revise certain real property taxes for small renewable energy facilities.**
The Committee on State Affairs at the request of the Public Utilities Commission

[SB 166*](#) **provide for the liquidation of the remaining property of the South Dakota Cement Plant Commission, to provide for the administration and payment of existing liabilities, to provide for the orderly winding up of the commission's affairs, to provide for the transfer of any remaining net proceeds, and to abolish the commission.**
The Committee on State Affairs at the request of the Office of the Governor

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

BOB FAEHN, Chair